

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE ACTOS ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Master File No. 1:13-cv-09244-RA-SDA

**STIPULATION REGARDING DOCUMENTS PRODUCED BY MYLAN  
PHARMACEUTICALS, INC.**

**WHEREAS** United Food and Commercial Workers Local 1776 & Participating Employers Health and Welfare Fund (“UFCW Local 1776”), Crosby Tugs, LLC (“Crosby Tugs”), International Union of Operating Engineers Local 132 Health and Welfare Fund (“IUOE Local 132”), NECA-IBEW Welfare Trust Fund (“NECA-IBEW”), City of Providence, Rhode Island (“Providence”), Painters District Council No. 30 Health & Welfare Fund (“Painters Fund”), Minnesota and North Dakota Bricklayers and Allied Craftworkers Health Fund (“Bricklayers and Allied Craftworkers Fund”), New England Electrical Workers Benefits Fund (“NEEWBF”), MAN-U Service Contract Trust Fund (“MAN-U”), and 1199 SEIU (collectively, “End Payor Plaintiffs”); American Sales Corporation, Cesar Castillo, Inc., Meijer Inc., and Meijer Distribution Inc. (collectively, “Direct Purchaser Plaintiffs,” and together with the End Payor Plaintiffs, simply “Plaintiffs”); and Takeda Pharmaceutical Co. Ltd., Takeda America Holdings, Inc., Takeda Pharmaceuticals U.S.A., Inc. and Takeda Development Center Americas, Inc. (collectively, “Defendants” or “Takeda”) (together with Plaintiffs, the “Parties”) have served Subpoenas to Produce Documents on Mylan Pharmaceuticals, Inc. (“Mylan”), pursuant to Fed. R. Civ. P. 45 (the “Subpoena”), in connection with the above-captioned litigation (the “Action”);

**WHEREAS**, Mylan responded and objected to the Subpoena, has met and conferred with the Parties, and has agreed to produce certain documents in response to the Subpoena, provided those materials exist, are reasonably accessible, and are not legally privileged or otherwise unable to be produced;

**WHEREAS**, the Parties, through their respective counsel of record, hereby stipulate to the following:

1. To the extent Mylan chooses to designate documents produced in response to the Subpoena “Highly Confidential Material” pursuant to § 2 of Stipulated Protective Order, entered by the Court in this Action on March 18, 2015 (Dkt. No. 190, which also governs DPP action per Dkt. No. 305) (the “Protective Order”), Mylan may further designate such documents “Highly Confidential Material—Outside Counsel’s Eyes Only.”
2. “Highly Confidential Material—Outside Counsel’s Eyes Only” shall mean Highly Confidential Material that Mylan, as the Designating Party, reasonably believes to contain highly confidential and/or competitively sensitive information the disclosure of which would cause Mylan competitive and commercial harm.
3. Material designated “Highly Confidential Material—Outside Counsel’s Eyes Only” shall be governed in all respects by the provisions of the Protective Order concerning Highly Confidential Material, with one exception: unlike Highly Confidential Material (see Protective Order § 4.b.), material designated “Highly Confidential Material—Outside Counsel’s Eyes Only” shall not be disclosed to in-house counsel for the Parties under any circumstances. For the avoidance of

doubt, Parties may challenge “Highly Confidential Material—Outside Counsel’s Eyes Only” designations under § 7 of the Protective Order.

4. This stipulation between the Parties is binding upon, without limitation, all current and future parties in this action (including their respective corporate parents, subsidiaries, affiliates, successors, and attorneys and all other representatives or agents), and their counsel; all other persons or entities authorized under the Protective Order or any other order of this Court to receive or view Highly Confidential Material; and all other interested persons or entities with actual or constructive notice of this stipulation or the Protective Order.

SO STIPULATED AND AGREED.

Agreed to:

Dated: May 26, 2022

/s/David K. Lukmire

David K. Lukmire  
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